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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/671,527

09/29/2003

Satoru Adachi

9683/260

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79510

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10/14/2008

NTT Mobile Communications Network I/BHGL

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EXAMINER

AN, SHAWN S

ART UNIT

PAPER NUMBER

2621

MAIL DATE

DELIVERY MODE

10/14/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/671,527	Applicant(s) ADACHI ET AL.	
	Examiner SHAWN AN	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 29-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 29-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Request for Continued Examination

1. The request filed on 7/31/08 for a Request for Continued Examination (RCE) under 37 CFR 1.114 based on parent Application No. 10/671,527 is acceptable and a RCE has been established. An action on the RCE follows.

Response to Amendment

2. As per Applicant's instructions as filed on 7/31/08, claims 1-28 have been canceled, and claims 29 and 34 have been amended.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 29-30, 32, 34-35, and 37 are rejected under 35 U.S.C. 102(e) as being anticipated by Wiegand (DRAFT ISO/IEC 14496-10: 2002 (E)).

Regarding claims 29 and 34, Wiegand discloses a video decoding apparatus/method for decoding and outputting decoded pictures, comprising:

at least one coded picture buffer (Fig. C-2, see CPB) in which the encoded pictures are storable, wherein each of the encoded picture is associated with decoding timing information indicative of a delay time to be held for decoding ((C.1.2); cpb_removal_delay(n)) and output delay information indicative of a delay time to be held for output ((C.2.2); dpb_output_delay(n));

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a decoder configured to perform decoding operation on each of the encoded pictures at a timing in accordance with the decoding timing information (page 207, lines 3-8);

at least one decoded picture buffer in which the decoded pictures are storable (Fig. C-2, see DPB); and

an output controller configured to output each of the decoded pictures from the at least one decoded picture buffer at a timing determined based on the decoding timing information and the output delay information **(C.2.3**; last para. wherein, $to,dpb(m) \leq tr(n)$).

Regarding claims 30 and 35, Wiegand discloses the decoding timing information being indicative of a delay time for each of the encoded pictures to wait before being removed from the at least one coded picture buffer **((C.1.2**; $cpb_removal_delay(n)$).

Regarding claims 32 and 37, Wiegand discloses the output delay information being indicative of a delay time for each of the decoded pictures to wait before being outputted from the at least one decoded picture buffer **((C.2.2**; $dpb_output_delay(n)$).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 33 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wiegand (DRAFT ISO/IEC 14496-10: 2002 (E)).

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Regarding claims 33 and 38, Wiegand defines/specifies the `dpb_output_delay` as how many ticks to wait before removal of an access unit from the CPB before the decoded picture can be output from the DPB (**D.2.2**, see `dpb_output_delay`).

Therefore, it would have been considered obvious to define/specify the output delay information being indicative of a maximum delay time when a given scenario in which the output delay time reaches the most ticks before removal of an access unit from the CPB before the decoded picture can be output from the DPB.

7. Claims 31 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable Wiegand in view of Walsh et al (5,952,943).

Regarding claims 31 and 36, Wiegand does not seem to particularly disclose the decoding timing information being indicative of a decoding time of a respective encoded picture.

However, Walsh et al teaches encoding image data for decode rate control comprising a decoding timing information being indicative of a decoding time of a respective encoded picture, and adjusting encoding parameters to update (increase/decrease) quality based on the decoding time information (Fig. 10; col. 9, lines 46-67; col. 10, lines 1-18).

Therefore, it would have been considered obvious to a person of ordinary skill in the relevant art employing a video decoding apparatus/method as taught by Wiegand to incorporate Walsh et al's teaching as above so that Wiegand's decoding timing information is indicative of Walsh's decoding time of a respective encoded picture, thereby being able to adjust encoding parameters to update (increase/decrease) quality based on the decoding time information.

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Conclusion

8. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to *Shawn An* whose telephone number is 571-272-7324.
9. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
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10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/SHAWN AN/

Primary Examiner, Art Unit 2621

10/08/08

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